

**EUROBODALLA SHIRE COUNCIL**

**PUBLIC FORUM**

All members of the community who have registered have been advised that they have a **maximum of five minutes** to put their case.

Ordinary Meeting of Council on 13 December 2016

<b>Name</b>	<b>Subject/Comments</b>
<b>Agenda Items – 10.00am</b>	
Adam Pike	MR16/005 Paid Parking in Batemans Bay
Trish Hellier	MR16/005 Paid Parking in Batemans Bay
Peter Cormick	NOM16/010 Dog Recreational Venues GMR16/039 Delivery Program Review - Citizens' Jury
Robert Loftus	NOM16/010 Dog Recreational Venues
Paul Bradstreet	GMR16/039 Citizens' Jury
Nick Walton	PSR16/054 Tern Inn

Good Morning Mayor Innes, Councillors, General Manager, Staff, Gallery, those people comfortably live streaming from home and my Mum watching over me from above.

My name is Patricia Hellier from North Batemans Bay and I have come here today to speak on item no. MR 16/005 Paid Parking in Batemans Bay.

I fully support the Mayor's motion for the removal of paid parking in Clyde and Perry Street Batemans Bay.

As you may be aware I live in Batemans Bay and I am very familiar with this area, I could not count the amount of times I have watched people, especially visitors to the area searching for change and looking for a change booth, I have frequently been asked the questions "where can I get change" or "have you got any change" and most show concern about leaving their vehicles in search of change and I have been asked on many occasions "what are the parking inspectors like around this town" particularly near the Perry Street metres as I walk through this area to collect my mail from our post office box most days.

Paid parking in my view is not the most attractive method of welcoming tourist to our area, and Batemans Bay is the only town in our region that has paid parking. Imagine a visitor crossing the bridge turning left in Clyde Street driving into the parking area and having to pay for parking as soon as they enter town. This could be one of the reasons why the Eurobodalla has the nick name Rob A Dollar Shire.

The paid parking in Clyde and Perry Street is a disincentive for many people to shop in that area. I agree there should be a 3 hour limit on the parking I have been told that there are those that have the view that if the paid parking is removed that staff from the various retail outlets will park in this area, realistically it is the responsibility of the shop proprietor to ensure that they instruct their staff not to park there.

Apparently there is varying view as to the income that is generated by the paid parking but I have to wonder at what expense it is to the business in the immediate area.

Previous to this Council, a Councillor moved for \$50,000.00 to be given for a study on the Marina, it was adopted without any concerns to the council "budget" perhaps some thought should be given to rescind this motion to offset what appears to some, will be a "financial loss" in the Council's budget should this motion be approved.

I would strongly recommend that you Councillor's support this Mayoral minute as I believe it will improve the viability of business in the Batemans Bay CBD and a show of good faith to the community and the businesses by you this new group of Councillors.

Thank You.

## **Public Forum – 13 December 2016 – Peter Cormick**

### Item NOM16/010 DOG RECREATIONAL VENUES

This proposed motion is to be very welcomed. It is aimed at improving dog recreational areas; and in the case of Batemans bay, creating them. It is the first that I have seen in this chamber in which dog welfare has been given such a focus.

It had its genesis in the lobbying by the Batemans Bay Dog Park Supporters Group, headed by Rob Loftus and Kerrie McCutcheon. They met with and presented Councillor Mayne with a petition signed by more than 800 petitioners. The petition was subsequently tabled in this chamber on 22 November by Kerrie McCutcheon, in the context of a non-agenda public access session. At that time, Councillor Mayne foreshadowed a motion supporting the wishes expressed by Rob Loftus and Kerrie McCutcheon – and by myself.

As it has turned out, the motion has enlarged to include the needs of the Moruya-based Eurobodalla Canine Club.

While part 2 of the motion calls for council to “seek further information from the Batemans Bay” group – in early 2017 – I believe it needs to provide for a far more explicit, definitive commitment. ‘Seeking further information’ could go on forever. In my view, explicit support for dog recreational and training facilities in the Bay, and associated, definite time frames need to be incorporated into the motion.

As a general comment, I ask councillors to please understand that the dog facilities being sought in Batemans Bay are the sort that are provided by councils elsewhere in the state – and in fact further afield – as a matter of course; just as children’s’ playgrounds are provided. They are not a luxury item requiring payment by ratepayers. Council has an obligation to provide the sorts of recreational facilities being sought.

It is concerning that council’s Companion Animal Management Plan quotes part of section 14 of the *Companion Animals Act 1998*, listing the areas in which dogs are prohibited, but leaves off the remaining part of the section – subsections (4), (5) and (6) - which lists exceptions to those prohibitions; being highly relevant information to dog owners in the shire.

## Public Forum – 13 December 2016 – Peter Cormick

### Item GMR16/039 DELIVERY PROGRAM REVIEW – CITIZENS' JURY

The General Manager's recommendation to council – of receiving the Citizens' Jury's report, providing a response to it in March 2017 and thanking the jury members – is one that cannot be argued with. Though, reading through the GM's report and the CJ's recommendations, I am struck by just how much my revised expectations have not been met. Although I initially had a number of serious reservations about the whole process – and [expressed them to council on 28 June](#) this year, when the proposal was being presented – I had subsequently thought that, just maybe, the CJ will deliver a product worthy of the effort and expense.

I had revised my initial reservations when I attended the first CJ meeting, as an observer, and was impressed with the apparent quality of the participants and their wide range of ages, skills and experience. And then, on seeing what material the CJ had access to and that which it could ask for (essentially anything relevant to the task), I thought that we would all be pleasantly surprised. Instead I am very disappointed.

My initial, main concern, was that a group of everyday people would not have the capacity to undertake the huge task of reviewing council's Delivery Program – involving the annual expenditure of \$100 million a year over four years. Keeping in mind that the CJ had been charged with answering the question: *Is Council spending your money on the right things? If not, what should we change?*, I had expected a quantitative analysis of the available information. Certainly, I expect a concurrent qualitative analysis – but not to the exclusion of the actual figures.

I see that in its Report the CJ has stated that "Throughout this report we seek to convey a majority view that Council is broadly meeting the needs of the community and therefore is generally spending our money on the right things. ... It was difficult to express our recommendations in monetary terms ..." (emphases added). Nonetheless, that conclusion could and should have been established by presenting budgetary analysis, with the resulting figures showing that they 'pretty much' align with those of the current Delivery Program. It would be good to see just how the conclusion, that all seems to be 'broadly and generally okay', was arrived at – in quantitative, logical terms.

Having expressed my disappointment and critical views, in no way do I criticise the members of the CJ. It was clear to me when I saw and heard them all at their first meeting that they were enthusiastic to do their bit for the community and I have no doubt that they applied themselves conscientiously – working long hours, which, I am sure, went well beyond those spent at their formal meetings; so too the staff and the New Democracy Foundation people. In a nutshell, I see the whole enterprise as having been misguided. The final question is: Is the 14 page report by the CJ worth the \$100,000 spent in achieving it? And we must keep in mind that council will need to further consult with the community, according to the

requirements of [sub-section 404\(4\)](#) of the LGA, once a draft Delivery Program has been produced.

Although councillors will be making a formal response to the CJ report in March 2017, I look forward to hearing what councillors might have to say about it at today's meeting.

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# EUROBODALLA SHIRE COUNCIL MEETING 13th DECEMBER, 2016

NOM16/010

## DOG RECREATIONAL VENUES

Good morning, Madam Mayor, Councilors, General Manager and Council Staff,

My name is Robert Loftus, and I would like to speak in support of this motion.

Adopting this motion will help <sup>change</sup> ~~improve~~ the dog-owning public's perception that the Eurobodalla Shire is not a very dog-friendly holiday destination.

- Attracting tourists to the Eurobodalla Shire is very important for the local economy. With pet-friendly holidays on the rise, latest figures from the Petcare Information and Advisory service (PIAS) show that in 2010, 37% of dog owners living on their own took their dogs on holiday with them, compared to just 14% in the year 2000. If that rate of increase continues, by 2020 over 60% of dog owners will be taking their pet dogs with them on holiday.
- At present the Eurobodalla Shire is not seen as a pet-friendly destination. This needs to change if we are to attract canine tourists to the Shire. (for example see: [www.doggo.com](http://www.doggo.com)).  
On the website Muttmum.com.au, dog friendly results for the Eurobodalla Shire is zero.
- A large holiday park in Batemans Bay is not very dog-friendly by to-days norm, dogs are not allowed in cabins, dogs cannot be walked through the holiday park, dogs only allowed during July and August. Is that really "pet-friendly"?
- Destination NSW, a leading NSW Govt. tourism agency in it's media publication earlier this year on "Pet-friendly holiday spots in Sydney and NSW" the Eurobodalla Shire did not even earn a mention.

### DOG FRIENDLY BEACHES (?)

- While dog-friendly beaches are a positive experience for many dogs and their owners, beaches with soft sand is not suitable for many dogs and elderly dog owners. In addition, many dog owners are concerned about the high levels of aggressive dog attacks seen on our beaches. Most if not all beaches lack seating, shade, access to drinking water, are not secure and safe with little or no fencing.
- A cross sample of veterinary practices in the Eurobodalla Shire shows that the number of dog injuries that could be attributed to use of beaches and aggressive dogs on beaches, in the Eurobodalla Shire was estimated to be over three hundred per year.
- Fenced secure "leash-free" dog exercise areas are badly needed for dog owners in Batemans Bay, and throughout the Eurobodalla Shire.
- Grassed "on-leash" exercise areas are also badly needed for dogs with poor hips and knee joints and elderly owners.
- More needs to be done by Council to deal with aggressive dogs in the Batemans Bay area.

THANK YOU  
R LOFTUS

**ADDRESS TO EUROBODALLA SHIRE COUNCIL MEETING 13 DECEMBER 2016 AGENDA ITEM GMR 16/039  
DELIVERY PROGRAM REVIEW – CITIZENS JURY BY PAUL BRADSTREET, EUROBODALLA RATEPAYERS  
ASSOCIATION**

Good morning Councillors, ladies and gentlemen. I'm Paul Bradstreet from Surf Beach. I'm here this morning to speak to you about the citizens' jury project. (Item GMR 16/039 on the agenda). Those councillors who were members of the last council may remember I set out my views about the relevance and cost of this experimental project when I addressed council back in June. I was sceptical at that time that deliberative democracy was any more likely to be able to wrestle successfully with ratepayer priorities than the more familiar representative democracy which was reaffirmed by the community at September's election.

Well, the evidence has been sought and presented, the jury deliberated and a verdict reached. Councillors now find themselves in the position of judges of a result which, to say the least, has to be examined very carefully.

I was one of the 100 people who observed the jury's public meetings. I managed to get to three, including the important final two. I watched jury members attempting to get their heads around the large number of issues they chose to consider. I also watched carefully the coaching undertaken by the facilitators and the jury's interactions with council staff. So before I discuss the report's findings and recommendations I intend to say something about this process.

It certainly was very intense and the jury worked hard and - mostly constructively - on the task. They should be thanked for their effort in making a serious attempt at answering the difficult question they were given. The facilitators required them to reach consensus positions on issues, which they were generally able to do. Like in any group of this size some voices were, to use the language of newDemocracy, more insistent than others. But, given the stratified random process that was used for juror selection I was surprised to see three jurors with radical green political views in the group, which they didn't hesitate to voice. The insistent views of these people clearly colour the tone of the report, particularly the section on environment and rural lands.

The facilitators were keen to keep the discussion moving and excessive railroading was apparent at times. Importantly, when it came time to agree on the answer to the major question of whether council was spending our money on the right things the one brave dissenter was told by the facilitator that his reasonable and intellectually honest objection – that insufficient work of adequate breadth and quality had been done to come to such a broad conclusion – was not admissible under the rules they were using. Yes or no were the only acceptable conclusions. An honest maybe was ruled out. This binary rule was justified by resort to the silly analogy that juries in court cases must and do arrive at yes/no conclusions in life and death matters.

Council staff supported the jury well. In particular, the briefing book is the most accessible factual document on council's programs, services and finances I have yet to see. For years the ERA has been urging council to use simplified, plain English guides to demystify its complex operations and I am pleased that this has now been done. I'd urge all councillors, particularly new councillors, to use it as a ready reference. As well as containing excellent general information it has nuggets of detail relevant to controversial matters. My personal favourite is that on page 45 the book tells us that the jewel in the crown of council's past overreach investment in tourism – the BBBR- is projected to make a yet another loss (\$83k) in 2016/17. But I digress.

So what does the jury's report tell us about the coached and mined views of an apparently statistical representative group of Eurobodalla ratepayers? Beyond its major conclusion that council is generally on the right track, its 86 recommendations are a strange mix of motherhood statements, encouragement of

council to continue existing programs, preferences for some commercial activities over others and suggestions for greater effort in seeking more government grants. The jury appears to want more footpaths but less unspecified environmental damaging agricultural practices; more tourism but less development projects motivated by commercial profits. I found it very difficult to see any coherent approach which showed a solid appreciation of the shire's problems, opportunities and constraints. The report is particularly weak on identifying the real drivers of investment and council's role in supporting economic growth. Apparently, the jury wasn't sufficiently interested in this matter to talk to anyone who has to make decisions to put the money up.

It was to be expected, of course, that the answer to such a broad question would be difficult for this group of people to reach. To its credit the jury recognised the limitations of its deliberations and these are set in the report, mainly in the introduction. They include difficulties in expressing its recommendations in monetary terms, failure to fully articulate particular trade-offs, lack of consideration of major projects and failure to reach agreement on current controversies around bats and Huntfest. In my view, taken together, the extent of these limitations, calls the report's major conclusion into question.

The general manager's report says that the jury process "was designed to provide Councillors with an alternate engagement method to hear from the informed views of people who are much less likely to ever engage with council." Well you now have them and at great expense – if staff support is added to the \$100,000 contract cost I reckon total costs must be approaching \$250,000. And further expenditure in costing the jury's proposals is foreshadowed. Was this expenditure worth it? Is this report on its own a solid basis for future planning? Of course not.

It is up to you to decide on the level of the detail of the response to the jury you will make. I would caution against wasting too much further effort on the exercise.

Having blown much of your community engagement budget you are now faced with the problem of seeking the views of the rest of the community, particularly its more informed members and community groups, on what they suggest you do over the next four years. By and large these groups, which council has been talking to more intensely over the last few years, did not engage with the jury. Because the last council chose not to consult the community on the two biggest decisions it faced – its Fit for the Future program and potential amalgamations with other councils it is important that at the start of this council you restore public confidence by committing to genuine public discussion and informed consultation. The KJA report, which I understand is to be considered early next year, makes a number of suggestions on how to do this – establishment of a citizens panel to consult on major issues is one possibility.

Finally, let me say that for over 100 years Eurobodalla citizens have enjoyed a system of representative democracy. Over this time we have had some good and some poor councils. But, by and large, local citizens are satisfied with this method of governance. If the results of this citizens' jury exercise are any guide it will be a long time before deliberative democracy of this type poses any sort of challenge to the current political decision making processes we all love and hate.

Thank you.



NICHOLAS WALTON - APPLICANT FOR MODIFICATION OF DEVELOPMENT CONSENT AT  
2 TRAFALGAR RD, TUROSS HEAD

The main issues raised in the objections include:

1. Noise from restaurant is not acceptable (both within and external to restaurant) Comment: The proposed trading hours is supported by an acoustic assessment that was subject to a peer review by a consultant engaged by Council. Council is satisfied that the noise impact and acoustic amenity has been adequately scrutinised and assessed against the relevant standards.
2. Extended hours are not compatible with residential area Comment: The proposed trading hours is supported by an acoustic assessment that was subject to a peer review by a consultant engaged by Council. Council is satisfied that the noise impact and acoustic amenity is compatible with the residential neighbourhood when assessed against the relevant standards.
3. 8.00am to 12 midnight is an excessive amount of trading hours Comment: The proposed trading hours are supported by an acoustic assessment and the reality is that the extended trading hours are only utilised for part of the year.
4. Insufficient car parking/ car parking occurs in street out the front of houses Comment: The application does not propose any extended floor area and therefore does not require any additional car spaces. The use of on-street parking by potential patrons cannot be controlled by Council. A condition of consent will require a Noise Management Plan to encourage the public to park in preferable locations.
5. Noise assessment occurred with 15 patrons Comment: The acoustic assessment used modelling and a number of scenarios to predict noise levels. This is not uncommon and allows for a greater ability to predict noise rather than relying on actual noise readings. The scenarios were accepted by Council's acoustic consultant and relate to the realistic use of the premises. PLANNING REPORT TO ORDINARY MEETING OF EUROBODALLA SHIRE COUNCIL HELD ON TUESDAY 13 DECEMBER 2016 Page 41 PSR16/054 TERN INN - MODIFICATION TO OPERATING HOURS 81.0870.D
6. Noise assessment did not consider my property Comment: The acoustic assessment used modelling and a number of scenarios to predict noise levels. This is not uncommon and allows for a greater ability to predict noise rather than relying on actual noise readings.
7. Noise assessment has not considered on street parking Comment: The acoustic assessment did consider on street parking and the peer review also specifically addressed this matter. A condition of consent has been proposed to address this issue.
8. Property contains fuel tanks Comment: The application proposes no works related to the fuel tanks and therefore this is not a relevant consideration. Council is aware of the issue and State Government agencies (EPA/ Safe work NSW) are investigating the matter.
9. Trading beyond approved hours Comment: Council has no evidence that trading has been occurring outside of the existing trading hours.
10. Background noise level assessment occurred while restaurant was trading Comment: The proposed trading hours is supported by an acoustic assessment that was subject to a peer review by a consultant engaged by Council. Council is satisfied that the noise impact and acoustic amenity has been adequately scrutinised against the relevant standards.